



S&H Form: (2/01)

Docket No.: 1536.1002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Hisashi SAKAKIBARA

Serial No. 09/632,586

Group Art Unit: 2177

Confirmation No. 1897

Filed: August 4, 2000

Examiner: S. T. Channavajjala

For: POINT MANAGING METHOD, POINT MANAGING SYSTEM, CENTRAL UNIT AND RECORDING MEDIUM

**COMMENTS REGARDING EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In a Notice of Allowance mailed December 10, 2003, at pages 5-7, the Examiner provided a statement indicating reasons for allowability ("Statement"). The Examiner indicated that "[t]he present invention is directed to [a] point managing system which enables [a] customer to effectively use valuable points without considering the term of validity by exchanging the valuable points for communication points by a preset exchange-rate". The preset exchange-rate is only one example of a condition upon which valuable points may be exchanged. It is noted that allowed claims 2, 4, and 6 make no reference to a preset exchange-rate. Furthermore, this feature was not specifically argued as a distinction over the prior art with respect to claim 6, which does not even recite an exchange rate. The Statement improperly characterizes claims as having a feature not recited therein. It is respectfully submitted that the preset exchange-rate feature should not be read into claims 2, 4, and 6. It is also submitted that the mischaracterization of claims 2, 4, and 6 should be disregarded. As noted in MPEP §1302.14:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

In sum, due to inaccuracies the entire Examiner's Statement should be disregarded. It is submitted that the claims speak for themselves and should not be interpreted based on the Examiner's inaccurate characterizations of the same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance. The Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

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